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August 10, 2023

VIA ECF

Honorable Katherine Polk Failla
United States District Judge
United States District Court
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, New York 10007

Withdrawal of ArentFox Schiff LLP as Attorneys for Oasis Capital, LLC

In re: Three Brothers Trading, LLC v. Generex Biotechnology Corp.,
Case No. 18-cv-11585-KPF

Your Honor:

ArentFox Schiff LLP (“ArentFox”) appeared as attorneys for Oasis Capital, LLC (“Oasis”), which was an interested party and, later, intervenor-petitioner, in the captioned action.

By Memo Endorsed Order dated August 1, 2023 [D.E. 181], this Court granted the application by ArentFox to withdraw as counsel for Oasis. In this Court’s Order, the Court did not limit the withdrawal to only one attorney of ArentFox. To the contrary, the Court stated in pertinent part in granting the motion: “Application GRANTED. ArentFox Schiff LLP is permitted to withdraw from this case as counsel of record for” Oasis. The Court further stated: “The Clerk of Court is directed to terminate the pending motion at docket entry 178, and to terminate ArentFox from the docket.” In addition, the Order left no doubt that ArentFox was to be terminated as attorneys for Oasis, as the Order further provided in part that, “[b]ecause Oasis Capital is a corporate entity, it may not proceed *pro se*, and must retain counsel.” Had the Court intended any ArentFox attorneys to remain on the docket as counsel for Oasis in any capacity, that phrase would have been rendered a nullity. That language and the Court’s entire Order made perfect sense. In light of the Clerk of Court’s interpretation, a second motion would be required to accomplish the same result already authorized by the terms of Your Honor’s extant order. As a result, ArentFox respectfully requests clarification terminating five ArentFox attorneys from the docket.



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There is no doubt that the motion [D.E. 178] sought the withdrawal of all ArentFox attorneys, because it specifically listed all the attorneys' names in the motion. Specifically, the motion stated in pertinent part: "ArentFox Schiff LLP and attorneys George Angelich, Beth Brownstein, Brett D. Goodman, Nathaniel J. Hyman, Justin A. Kesselman, and Nicholas J. Nesgos (collectively, "ArentFox") moves to withdraw as counsel to" Oasis [D.E. 178 at 1]. Likewise, the proposed order that accompanied the motion provided in pertinent part: "ORDERED that the appearance of ArentFox Schiff LLP and attorneys George Angelich, Beth Brownstein, Brett D. Goodman, Nathaniel J. Hyman, Justin A. Kesselman, and Nicholas J. Nesgos, as attorneys for Oasis Capital, LLC, shall be and hereby is terminated" [D.E. 178-1]. The proposed order also provided: "it is further ORDERED that the Clerk of Court shall terminate the appearance of ArentFox Schiff LLP and attorneys George Angelich, Beth Brownstein, Brett D. Goodman, Nathaniel J. Hyman, Justin A. Kesselman, and Nicholas J. Nesgos, and cease sending them any and all docketing notifications via the ECF system in this action" [D.E. 178-1].

In following up with the Clerk of Court, ArentFox noted that one attorney, the undersigned, was terminated, but that attorneys Beth Brownstein, Brett D. Goodman, Nathaniel J. Hyman, Justin A. Kesselman, and Nicholas J. Nesgos had not been terminated. Oasis was listed on the docket both as an interested party (its initial status) and as intervenor-petitioner (its status after its motion to intervene was granted). It was suggested a further order may be needed.

While ArentFox believes that the plain language of the Court's Order controls and should have been sufficient, it is clear that five of the six ArentFox attorneys remain on the docket and will remain on the docket unless and until a further order is entered. ArentFox respectfully requests that the Court enter an order or endorse this letter to clarify that all ArentFox attorneys who formerly represented Oasis must be terminated from the docket.

Accordingly, ArentFox respectfully requests that the Court enter an order providing that the appearance of ArentFox Schiff LLP and attorneys George Angelich, Beth Brownstein, Brett D. Goodman, Nathaniel J. Hyman, Justin A. Kesselman, and Nicholas J. Nesgos, as attorneys for Oasis Capital, LLC, shall be and hereby is terminated, and that the Clerk of Court shall terminate the appearance of ArentFox Schiff LLP and attorneys George Angelich, Beth Brownstein, Brett D. Goodman, Nathaniel J. Hyman, Justin A. Kesselman, and Nicholas J. Nesgos, and cease sending them any and all docketing notifications via the ECF system in this action.

Respectfully submitted,

/s/ George P. Angelich
George P. Angelich